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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

HURGENES PIGNARD,
a/k/a "Hurgens Pignard",
a/k/a "Pop",
a/k/a "Pops",

Defendant.

**SUPERSEDING
INDICTMENT**

Sl 06 Cr. 718 (CM)

COUNT ONE

The Grand Jury charges:

1. From in or about December 2004 through in or about May 2005, in the Southern District of New York, and elsewhere, HURGENES PIGNARD, a/k/a "Hurgens Pignard", a/k/a "Pop", a/k/a "Pops", the defendant, and others known and unknown, unlawfully, willfully, and knowingly, did combine, conspire, confederate, and agree together and with each other to commit offenses against the United States, to wit, violations of Title 18, United States Code, Sections 2113(a) and (d).

Objects of the Conspiracy

2. It was a part and an object of the conspiracy that HURGENES PIGNARD, a/k/a "Hurgens Pignard", a/k/a "Pop", a/k/a "Pops", the defendant, and others known and unknown, unlawfully, willfully and knowingly, by force and violence, and by

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intimidation, would and did take, and attempt to take, from the persons and presence of others, property and money belonging to and in the care, custody, control, management, and possession of various banks, the deposits of each of which were then insured by the Federal Deposit Insurance Corporation, and a credit union, the deposits of which were then insured by the National Credit Union Administration Board, in violation of Title 18, United States Code, Section 2113(a).

3. It was further a part and an object of the conspiracy that HURGENES PIGNARD, a/k/a "Hurgens Pignard", a/k/a "Pop", a/k/a "Pops", the defendant, and others known and unknown, while committing and attempting to commit bank robberies and a credit union robbery, unlawfully, willfully and knowingly would and did assault persons and put in jeopardy the lives of such persons by the use of a dangerous weapon, namely, a pellet gun and a firearm, in violation of Title 18, United States Code, Section 2113(d).

Overt Acts

4. In furtherance of the conspiracy, and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of New York, and elsewhere:

a. On or about February 3, 2005, PIGNARD traveled to the vicinity of Fairview Avenue, Spring Valley, New

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York.

b. On or about April 20, 2005, PIGNARD traveled to the vicinity of Divine Corners Road in Loch Sheldrake, New York.

c. On or about May 18, 2005, PIGNARD traveled to the vicinity of 300 North Middletown Road, Pearl River, New York.

(Title 18, United States Code, Section 371.)

COUNT TWO

The Grand Jury further charges:

5. On or about February 3, 2005, in the Southern District of New York and elsewhere, HURGENES PIGNARD, a/k/a "Hurgens Pignard", a/k/a "Pop", a/k/a "Pops", the defendant, and others known and unknown, unlawfully, willfully, and knowingly, by force and violence, and by intimidation, attempted to take, from the persons and presence of others, property and money belonging to and in the care, custody, control, management, and possession of the Charter One Bank, 253 North Main Street, Spring Valley, New York, the deposits of which were then insured by the Federal Deposit Insurance Corporation ("FDIC"), and in committing such offense, HURGENES PIGNARD, a/k/a "Pop," a/k/a "Pops," the defendant, did assault and put in jeopardy the life of another person by the use of a dangerous weapon, to wit, a pellet gun.

(Title 18, United States Code, Sections 2113(a) and (d) & 2.)

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COUNT THREE

The Grand Jury further charges:

6. On or about April 20, 2005, in the Southern District of New York and elsewhere, HURGENES PIGNARD, a/k/a "Hurgens Pignard", a/k/a "Pop", a/k/a "Pops", the defendant, and others known and unknown, unlawfully, willfully, and knowingly, by force and violence, and by intimidation, attempted to take, from the persons and presence of others, property and money belonging to and in the care, custody, control, management, and possession of the First National Bank of Jeffersonville, 1278 Route 52, Loch Sheldrake, New York, the deposits of which were then insured by the Federal Deposit Insurance Corporation ("FDIC").

(Title 18, United States Code, Sections 2113(a) & 2.)

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COUNT FOUR

The Grand Jury further charges:

7. On or about April 20, 2005, in the Southern District of New York, HURGENES PIGNARD, a/k/a "Hurgens Pignard", a/k/a "Pop", a/k/a "Pops", the defendant, and others known and unknown, unlawfully, willfully and knowingly, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, used and carried a firearm and, in furtherance of such crime, to wit, the attempted bank robbery charged in Count Three of this Indictment, possessed a firearm, to wit, a Hi Point .40 caliber semi-automatic pistol.
(Title 18, United States Code, Sections 924(c)(1)(A)(i) & and 2.)

COUNT FIVE

The Grand Jury further charges:

8. On or about August 24, 2006, in the Southern District of New York, HURGENES PIGNARD, a/k/a "Hurgens Pignard", a/k/a "Pop", a/k/a "Pops", the defendant, unlawfully, intentionally and knowingly did distribute and possess with intent to distribute a controlled substance, to wit, mixtures and substances containing a detectable amount of cocaine.

(Title 21, United States Code,
Sections 812, 841(a)(1) and (b)(1)(C)).

FOREPERSON

MICHAEL J. GARCIA
UNITED STATES ATTORNEY